



**Washington State
Department of Transportation**
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Meeting Minutes

Quarterly Title VI Coordinator's Meeting

September 27, 2011

10:00 a.m. – 3:00 p.m.

Thurston Regional Planning Council

2424 Heritage Court SW, Suite A

Olympia, WA 98502

Facilitator: Greg Bell, WSDOT External Civil Rights Branch Manager

Introductions

- Greg Bell, External Civil Rights Manager, Office of Equal Opportunity, started the meeting by making brief introductions of his staff and meeting participants.
- WSDOT Monitors Title VI Plans across the state by providing technical assistance to entities that are required to have a Title VI Plan or a Nondiscrimination Agreement. There are approximately 275 different municipalities across the State. Assistance is available from day to day questions to more complicated support.
- Title VI introduction- The Civil Rights Act of 1964 prohibits discrimination on the basis of race, color and national origin in federally financial assisted services and programs. There are other laws that cover gender and disability discrimination.
- Civil Rights Restoration Act- restored the original intent of Title VI to report on the entirety of the programs provided by an agency that receives federal funds. Although we place emphasis on your transportation activities, all the services provided by your agency are covered under Title VI.

Reporting Requirements

- Agencies serving a population of 100,000 or more need to provide a Title VI Plan to WSDOT.
 - FTA and FHWA look to WSDOT to monitor compliance and steps taken to address issues. WSDOT will ensure that local agencies have a Title VI Plan. Staff is available to provide technical assistance. WSDOT's performance is evaluated based on the work each one of the local agencies does to comply with Title VI requirements. These meetings will provide an opportunity to address issues and training needs.
 - Title VI requires that the CEO/Mayor, Title VI Coordinator, and a Title VI Specialist be clearly defined within your Table of Organization submitted with your Title VI Plan.
 - Every special emphasis area such as Planning, Research, Design, Education and Training, Right of Way, Construction, and Maintenance are required to report on Title VI activities.
 - Dave Mounts is the Highways & Local Programs Coordinator and may be contacted for general questions. He will direct you to the appropriate staff.
 - Agencies serving populations of less than 100,000 are required to submit a Non-discrimination Agreement (NDA). This report is very generic and it is reviewed by WSDOT. Please review prior to signing as it is a binding agreement signed by your Mayor or CEO telling us that your agency will comply with Title VI requirements.
 - Annual Updates and Accomplishment Reports are due yearly on the date that your plan was approved.
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The information needs to include information on areas of improvement, demographic data, and public outreach on federally funded projects.

- Some areas of weakness in reports include analysis of demographic data, LEP implementation, and outreach. There is a requirement to provide notice to LEP populations in a language that they understand so they receive suitable and adequate notice of projects. Look at your demographic data and provide information on how you will provide notice and outreach to these populations. Provide information about the outreach activities that are being conducted on your update and accomplishment report. Make sure it reflects information on low income and LEP activities.

Question: How do you determine if there are Language Barriers?

Answer: *We need to understand the populations we serve to be able to provide proper notice. Reports should identify the racial/gender composition of the persons involved in the transportation decision making including planning and advisory staff.*

Data Collection - Collect racial data related to participants in programs and services when appropriate. Develop a procedure to analyze the data collected to determine whether the eligible service population receives appropriate benefit from your program.

Limited English Proficiency (LEP)/Environmental Justice (EJ)

Executive Order 13166

- This seems to be an area of priority for both the FTA and FHWA. The first focuses on the ridership and usage and the other in the infrastructure. The focus is to make sure that LEP populations receive meaningful access to services and are protected from national origin discrimination under Title VI. There is an LEP handbook that provides four elements to determine how to address English proficiency based on how well or not an individual speaks, reads, and/or understands English.
- Nothing takes the place of outreach - staff making contacts with community members to make sure that populations impacted received proper notice- including oral and written communications (pictograms, person to person information in the language needed.)
- Assessment: Four Factors
 1. Demographics - Number and or proportion of LEPs and language spoken in service area.
 2. Frequency- Rate of contact with service or program
 3. Importance-Vital documents- Nature and importance of program/service to people's lives (transportation.)
 4. Resources- Available resources, including language assistance services.
- Use these factors to determine the scope of your LEP plan and its implementation.

LEP Plan of action: Five Elements

1. Demographics- identification of volume and location of LEPs and LEP communities.
 2. Language assistance measures:
 - language assistance available
 - respond to LEP persons/in callers in person or in writing
 - types of documents to translate (vital, etc...)
 3. Staff:
 4. Outreach Measures
 5. Monitoring & Evaluation Efforts
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Key points:

- Provide qualified interpreters- family members, internal translators, people in the community, etc. are ok with initial contact. However, further in the process there may be a need for a professional interpreter.
- 5% rule and four factor analysis - Services are not required in all languages but keep an eye in the 5% rule and do your four factor analysis.

Question: How much time do I have to process a Title VI complaint?

Answer:

Timeline Limits

Party	Time Limits	Questions
Charging party	180 days to file complaint	Western WA call Jonté
Agency	5 days to respond to charging party	Eastern WA call George
Agency	10 days from the date of original filing to send notice to WSDOT	
WSDOT	60 days to investigate	

Environmental Justice

- Presidential Executive Order 12898 (passed under President Clinton)
- Addresses Environmental Justice in minority populations and low income populations
- DOT order 5680, April 1, 1997 establishes policies to promote EJ principles by incorporating them into all plans of DOT.
- Avoid Discrimination and Adverse Effects and Impacts
- Document your efforts to show the efforts you undertook to address issues and adverse impacts
- Avoid, minimize and or mitigate disproportionately high impacts to minorities and low income populations, measure the full and fair participation of minorities and low income populations and prevents the adverse impact to minorities and low income populations.

Public Involvement Forms

- WSDOT recommends the use of Public Involvement Forms in your events- they are posted in OEO site under Title VI (<http://www.wsdot.wa.gov/equalopportunity/PoliciesRegs/titlevi.htm>)
- These forms can be customized to meet your agency's needs.

Federal Reports

- FHWA Title VI Plan – has been submitted to FHWA and is pending approval
 - FTA Title VI Plan (updated every 3 years) – is due to FTA November 30, 2011
 - FHWA Annual Update & Accomplishment Report (yearly) – due November 10, 2011
 - ❖ A concern was raised by a couple of the local agencies. WSDOT ROW staff had requested that they provide them with data for this report. This was a concern as the local agencies already report their Title VI activities yearly. WSDOT Title VI staff committed to talking with ROW staff to determine next steps.
 - FTA Title VI Review – was conducted September 6-9, 2011 by the DMP Consulting Group. This was an in-depth review of the WSDOT Title VI program.
 - Statewide Management Review/Triennial Review - was conducted September 19-23, 2011. This was a
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review of WSDOT management practices. Title VI was a small component of the review.

Training Needs

- WSDOT Title VI staff offered to provide training to the local agencies. Training can be provided as a generic introduction to Title VI or it can be specific regarding requirements such as LEP, EJ, Public Participation, Reporting Requirements, etc.
- Training can be provided to Coordinators, Contractors, Staff, etc.
- Snohomish is planning a series of 4 training to all contractors that have a federal nexus to transportation projects. Staff will also receive training on Title VI on the plan and implementation of general assurances.
Suggestions:
What is expected, what documents are needed on the interpretation and implementation of general assurances.
WSDOT offered free additional training on:
General Title VI training
LEP
EJ
Public Participation
- Training can also be provided to small cities that don't have trained Title VI staff. The training would assist in understanding Title VI requirements and submitting requirements for annual reporting

Program Updates

- King County provided an update on their Title VI program on the changes made in the Title VI reporting using the Equity and Social Justice Initiative. King County provided a hand out with examples of the work they reported in their most recent Title VI Update. Highlights were provided on two projects the South Park Bridge and Procurement Reform (see King County's Update Document).
- WSDOT is expanding their Title VI efforts.
 - Site Visits are being conducted to provide technical assistance to include setting up Title VI Programs.
- In 2012 Compliance Reviews will be scheduled to review Title VI Programs. Advance notice will be given prior to the review. This is not an attempt to catch agencies that are out of compliance, but to provide assistance if needed.
- Title VI Task Force is being developed on both the national and local levels.
- Title VI Coordinators' Meetings will take place quarterly.

Final Remarks

Next meeting is scheduled for December!
